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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,019	01/21/2004	Scott Schneider	10010261-2	3984

7590 03/24/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER
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SHAPIRO, JEFFERY A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/762,019

Applicant(s)

SCHNEIDER, SCOTT

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 8-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lhoest (US 5,946,217) in view of Mizobuchi et al (US 5,522,309), and further in view of Johnson (US 6,788,980 B1).

Lhoest discloses a solution reservoirs (110b), a solution receptacle feeders (110a) in the form of containers (210) in which material is either released from or transferred to the respective container. See col. 6, lines 43-58 of Lhoest. See also col. 1, lines 45-50, which states that syrups and droplets are dispensed. Lhoest further discloses that the system is a computer driven installation (10) in which the reservoirs and feeders are all movable relative to each other. In other words, either the feeder can be either stationary or movable, as all containers (210) are movable on a means consisting of roller or chain conveyors, for example, as described at col. 6, lines 59-64. The containers (210) are identifiable to the system by labels or other means such as optical reading and weighing. See col. 11, lines 16-21 and col. 12, lines 10-28.

Lhoest does not expressly disclose, but Mizbuchu discloses "identifying a solution receptacle feeder and an instruction component indicating a volume of the solution to be delivered to the solution reservoir." Mizbuchu discloses more particularly, an apparatus

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for mixing various materials to produce different mixtures, in this case, food items.

Various carrier vessels contain food materials, each vessel having a memory which holds processing information including type of material called for in the mixture, volume of the material contained and volume of various materials to be dispensed as well as the instructions concerning the release of these materials. See Mizbuchi abstract, figures 1 and 2, col. 3, lines 54-67, col. 4, lines 1-5, col. 6, lines 16-30, col. 9, lines 10-27 and 40-46, col. 10, lines 7-18 and 45-53 (states that quantitative filling is provided), and col. 12, lines 1-14, which states that the weight of processed products is measured and determined and used in processing the food products. Note also that volume is construed as analogous to or derivative from the weight of the material and that mixing items requires knowledge of the amounts of the various components. Such amounts of items are also construed as "processing conditions" necessary for the production of the end-product material.

Both Lhoest and Mizbuchi are considered to be analogous art because the both concern dispensing and mixing of bulk materials to obtain a final mixture.

At the time of the invention, it would have been obvious to use the control system and algorithms of Johnson to control the dispensing system of Lhoest to dispense items according to particular mixture amounts and recipes.

The suggestion/motivation would have been to produce various pharmaceutical mixtures at high production efficiency either simultaneously or successively. See Mizbuchi, col. 3, lines 12-30.

Lhoest does not expressly disclose, but Johnson discloses use of transceivers and wireless connections for connecting the components of the computer controlled installation. See Johnson, col. 5, lines 63-67 and col. 6, lines 1-7, noting that a satellite necessarily uses a transceiver to both receive and transmit signals. Note also col. 5, lines 8-15, which states that Johnson's system can be used with any industrial manufacturing process or device/system with both monitoring and control. Note also that both Lhoest's and Johnson's systems, require reception of signals such as queries and data from sensors and broadcast of signals in response to said data such as control instructions for particular parts of the system.

Both Lhoest and Johnson are considered to be analogous art because the both concern electronic control of industrial systems.

At the time of the invention, it would have been obvious to use the wireless based control system of Johnson to control the dispensing system of Lhoest.

The suggestion/motivation would have been to improve control of disparate apparatus by simplification of control system components and reduction of cost by use of readily available hardware. See Johnson, col. 3, lines 16-28.

Additionally, It would have been obvious to use a transceiver to combine both the transmitter and receiver circuitry into one circuit, in order to perform the same function as the two circuits separately so as to save space and cost and to increase efficiency by reducing heat generation caused by additional circuitry. Since both a transceiver and the separate receiver and transmitter work the same, and Applicant has not provided a

particular reason for using a transceiver over other functionally equivalent separate circuits, the prior art is considered to read on Applicant's claims as currently written.

Therefore, it would have been obvious to combine Lhoest and Johnson in order to obtain the invention as described in Claims 8-32.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 8-32 have been considered but are moot in view of the new ground(s) of rejection.

Applicant asserts that Lhoest and Johnson do not disclose a computer controller which issues an instruction including volume and type information. However, as described above, Mizbuchi teaches using a control system that controls carrier vessels, such as those used in Lhoest's system, to issue instructions including type and quantity of material to be mixed to obtain a final product.

Johnson is used for its teaching of using wireless connections in an industrial control system. See Johnson, col. 5, lines 1-15 and col. 6, lines 1-7. Lhoest's control system can be construed as such an industrial control system, of which Johnson's wireless system reduces complexity, confusion and costs. See Johnson, col. 3, lines 16-28.

Therefore, the rejection of Claims 8-32 is maintained.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

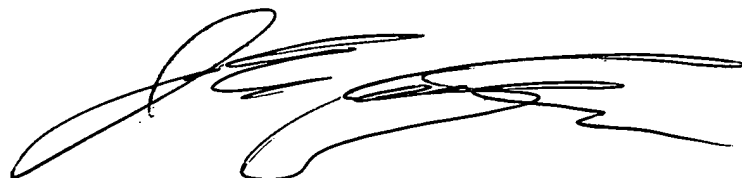
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Shapiro  
Examiner  
Art Unit 3653

March 21, 2005



DONALD S. SMITH  
SUPERVISORY PATENT EXAMINER  
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